

REMARKS

Claims 13-26 are pending in the present application. Claims 13, 22 and 23 have been amended in order to better recite the invention.

In part 3 of the Office Action, the Examiner requires the applicants to modify the Brief Summary of the Invention and restrict the descriptive matter so as to be in harmony with the claims, pointing to MPEP §1302.01. Section §1302.01 of the MPEP states that when the application is ready for allowance, the Brief Summary of the Invention and the descriptive matter should be reviewed to ascertain that they are confined to the invention to which the allowed claims are directed. Therefore, it is respectfully requested that the Examiner postpone any necessary changes to the specification until this application is ready for allowance.

The Title of the invention has been objected to as being not clearly indicative of the invention. Accordingly, the Title has been changed to "PURCHASED COMMODITY ACCOMMODATING AND TRANSPORTING APPARATUS HAVING ELEMENTS FOR PURCHASING A COMMODITY FIXED TO A TRANSPORTABLE ACCOMMODATION SECTION". It is respectfully requested that the Examiner approve of this Title change and withdraw the objection to the Title.

The Abstract is objected to, the Examiner stating it does not completely describe the invention. Accordingly, the Abstract has been replaced. It is respectfully requested that the Examiner approve of the new Abstract and reconsider and withdraw this objection.

A substitute Specification in proper idiomatic English has been required by the Examiner. It is respectfully requested that the Examiner reconsider this requirement. In particular, the specification has been amended in order to put the specification in better form, including the awkward phrases noted by the Examiner. However, it is respectfully asserted that these changes do not unduly complicate the specification and make the specification unreadable. Accordingly, it is respectfully asserted that the specification clearly describes the invention, and requested that the Examiner reconsider the requirement for the substitute Specification.

Claim 22 is rejected under 35 U.S.C. §102(b) as being anticipated by Collins Jr.. This rejection is respectfully traversed.

A Preferred Embodiment of the Invention

One Example of the invention is illustrated in Figures 10 and 11. A cart section 101 and a basket member 102 serve as an accommodation section for shopping cart 100. The cart section 101 includes a scanner 57 for reading a barcode applied to a commodity, a communication section 53 for communicating data from and to an upper control section, a display section 54 for displaying various information and a keyboard section 55 for inputting various information. (See pages 53 and 54 of the specification). As described in the specification starting on page 105, the control system of the scanning cart 100 may additionally include a communication section 83 which updates remains information of a prepaid card 87, for example. Thus, final settlements of accounts can be performed by self-service using a prepaid card 87. Not only the reduction of the burden to an operator and reduction of the number of operators can be achieved, but the waiting time at a settlement POS terminal is

eliminated. Accordingly, at a remarkable reduction of shopping time and/or enhancement of convenience in a self shopping form can be realized.

Collins, Jr. (U.S. Patent No. 5,149,947)

Collins, Jr. is directed to a check-out system which includes an optical scanning device which is removably mounted on handles of oppositely positioned grocery carts to enable an operator to perform check-operations. The Examiner points to Figs. 3-5 to show carts 48 and 50 having scanning terminal 44 removably mounted on handles 46. A check-out operator will move the grocery cart 50 of the customer to a position adjacent the electrical outlet 66 in a position facing grocery cart 48 which contains bags 56. After mounting the scanning terminal 44 on the handles 46 of the adjacent grocery carts, and inserting the electrical cable 64 into an electrical outlet 66, a check-out operation can commence which speeds up the check-out operation for customers.

However, Collins, Jr. fails to teach a commodity code reading section, a magnetic card reading section and a commodity price retrieval section fixed to a transportable accommodation section as required by claim 22. Collins, Jr. clearly teaches that the scanning terminal 44 is removably mounted to handles 46. Thus, Collins, Jr. is unable to achieve the advantages of the present invention, allowing a customer to perform purchasing operations during selection of a commodity when shopping. In view of the above, it is respectfully requested that the Examiner reconsider and withdraw this rejection.

Claims 13-21 and 23 are rejected under 35 U.S.C. §103 as being unpatentable over Collins, Jr. This rejection is respectfully traversed.

Collins, Jr. fails to teach a commodity code reading section, a prepaid card inputting processing section, a commodity price retrieval section and a data updating section fixed to a transportable accommodation section, as required by claims 13-21. Additionally, Collins, Jr. fails to teach or suggest a commodity code reading section, a magnetic card reading section and a commodity price retrieval section fixed to a transportable accommodation section, as required by claim 23. In view of the above, it is respectfully requested that the Examiner reconsider and withdraw this rejection.

Claims 24-26 are rejected under 35 U.S.C. §103 as being unpatentable over Collins, Jr. in view of Ehrat. This rejection is respectfully traversed.

Ehrat

Ehrat is directed to equipment for a self-service shop having a check-out station for determining sales data from machine readable data relating to the type of article and its weight applied to articles purchased by a customer. Fig. 13 illustrates a check-out station including contact position 96 to which the appliance connector 95 of the purchasing trolley 2 may be connected. A panel 4C indicates an amount to be paid by a customer and a panel 4I indicates the change to return to the customer. As soon as a customer arrives with the trolley at the check-out station 4, contact between the appliance connector 95 on the trolley and the contact position 96 is established so that article designations stored during purchasing are transferred to

the check-out station 4. The amount to be paid is computed and indicated on panel 4C. (See column 14, lines 4-58).

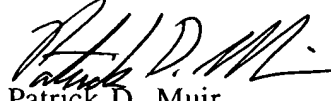
Ehrat, like Collins, Jr. fails to teach or suggest a commodity code reading section, a prepaid card inputting processing section, a commodity price retrieval section and a data updating section fixed to a transportable accommodation section (as recited in claim 13) or a commodity code reading section, a magnetic card reading section and a commodity price retrieval section fixed to a transportable accommodation section (as recited in claim 22). In view of the above, it is respectfully requested that the Examiner reconsider and withdraw this rejection.

If for any reason the Examiner believes that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact the undersigned at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that any additional fees are due in connection with this paper, please charge our Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, WESTERMAN, HATTORI,
McLELAND & NAUGHTON


Patrick D. Muir
Reg. No. 37,403

Attorney Docket No. 940494A
Suite 1000, 1725 K Street
Washington, D.C. 20006
Tel: (202) 659-2930
Fax: (202) 887-0357
PDM/adt
Enclosure: Abstract of the Disclosure